IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

WP(C).No. 30189 of 2006(R)

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PETITIONER:

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NAUSHADALI P.I., AGED 24 YEARS,
S/O. ALI, PALLIKKATTUTHODI HOUSE,
ALANALLUR P.O., PALAKKAD-678 601.

BY ADV. SRI.M.A.ABDUL HAKHIM
SRI.JYOTHISH.J.KALLINGAL

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
KERALA PUBLIC SERVICE COMMISSION,
MALAPPURAM.

2. THE DISTRICT OFFICER,
KERALA PUBLIC SERVICE COMMISSION,
PALAKKAD.

3. KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY THE SECRETARY.

BY SC SHRI. P.C SASIDHARAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**K.K.DENESAN, J.**

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**WP(C)No. 30189 OF 2006**

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**Dated this the 19th January, 2007.**

**JUDGMENT**

The application filed by the petitioner for appointment to the post of Junior Health Inspector Gr.II in the Health Services Department has been rejected by the respondent-Commission on the ground that he had applied in two districts simultaneously in response to the very same notification though the notification under which he had applied specifically provided that the candidates shall not apply in more than one district. Counsel for the petitioner submits that though the petitioner had applied for the same post under the very same notification in Malappuram and Palakkad districts, as on the date of the second application filed by him addressed to the District Officer of Public Service Commission, Palakkad, the application earlier filed by him addressed to the District Officer of Public Service Commission, Malappuram had been withdrawn and therefore it is not a case where the petitioner had in effect applied for appointment in two districts under the same notification.

2. Counter affidavit filed by respondents 2 and 3 shows that the petitioner had committed a serious misconduct in filling up the relevant column in Ext.R1(b)

application form and that has led to the rejection of his application. On a perusal of Ext.R1(b) it is seen that against column 9(b) the petitioner, in answer to the question "Have you applied for the post in any other district as per this notification?, answered "No". The Commission, on verification found that the petitioner had applied for the same post in Malappuram district as well, and as on the date of consideration of Ext.R1(b) that application also was pending consideration. Therefore, despite the fact that the petitioner had submitted an application requesting the District Officer, Public Service Commission, Malappuram to reject his application, that application was not entertained and no order as requested by the petitioner was passed. Therefore, the answer given in column 9(b) happened to be a wrong answer.

3. Counsel for the petitioner submits that it was not deliberate but the petitioner happened to give such an answer in the peculiar facts and circumstances of this case. Even assuming that there was no bad motive in answering the question against column 9(b), the fact remains that,that answer is a wrong answer and the Commission is entitled to say that a vital aspect has been suppressed from the notice of the Commission, and further, that when two applications have been filed it is a conduct

contrary to the specific directions contained in the notification. The result is that the relief prayed for by the petitioner to set aside the rejection order passed by the Commission cannot be granted. Writ petition fails. Dismissed.

**K.K.DENESAN**
**Judge**

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